CONFERENCE ON DISARMAMENT

CD/1642
15 March 2001

ENGLISH
Original: ENGLISH AND FRENCH

LETTER DATED 14 MARCH 2001 FROM THE PERMANENT REPRESENTATIVES OF FRANCE AND SWITZERLAND TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE ENGLISH AND FRENCH TEXTS OF THE CHAIR'S SUMMARY PREPARED FOR DELEGATIONS PARTICIPATING IN THE FRANCO-SWISS WORKSHOP ON TRACEABILITY OF SMALL ARMS AND LIGHT WEAPONS: TRACING, MARKING AND RECORD-KEEPING, HELD IN GENEVA ON 12 AND 13 MARCH 2001

Attached are the English and French texts of the Chair's summary prepared for delegations participating in the Franco-Swiss workshop on traceability of small arms and light weapons: tracing, marking and record-keeping, held in Geneva on 12 and 13 March 2001.

We would be grateful if you would issue this summary as an official document of the Conference on Disarmament and distribute it to all member States of the Conference and to non-member States participating in its work.

(Signed): Hubert de La FORTELLE
Ambassador,
Permanent Representative
of France to the
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(Signed): Christian FAESSLER
Ambassador,
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Franco-Swiss Workshop
on
Traceability of Small Arms and Light Weapons: Tracing, Marking and Record-Keeping

Geneva, 12-13 March 2001

Chair's Summary

Efforts to combat prevent and reduce illicit trafficking and excessive and destabilising accumulations and transfers of small arms and light weapons (SALW) are obstructed by the difficulty of identifying and tracing the sources and lines of supply of such weapons. There is now wide international awareness of the need for an international mechanism to enable effective co-operation in tracing sources and flows of SALW of concern. The French-Swiss initiative aims to contribute to the process of developing such an international mechanism, which would form a key element of the international programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects to be established at the UN Conference in July 2001. Such a tracing mechanism for SALW would complement and re-inforce the UN Firearms Protocol.

The aim of this Geneva workshop was to consider in some detail the possible elements of an international instrument to enhance co-operation on tracing SALW of concern, including associated preventive measures on marking and record-keeping. Representatives of more than 90 States participated, along with representatives of the UN and other international organisations, technical experts, and relevant non-governmental organisations. The discussions were facilitated by presentations from technical experts on techniques of tracing, marking and record keeping, a Discussion Paper presented by Switzerland, and presentations by the Chair of the Preparatory Committee for the UN 2001 Conference and by the French and Swiss Co-Chairs of the Workshop.

Aims

The overall aim is to establish an international agreement enabling effective international co-operation in tracing sources and lines of supply of SALW of concern, that is flows that contribute to the excessive and destabilising accumulation and transfer of such weapons, particularly in regions of conflict or tension. The key elements of such an agreement should include:

- An international mechanism whereby States commit themselves to take all necessary measures to ensure that they co-operate with other states (and relevant authorities) to assist them in their efforts to trace sources and lines of

supply of SALW that contribute to illicit arms trafficking or to excessive and destabilising accumulations and flows of these weapons.

- Establishing national commitments to take preventive measures to ensure minimum agreed standards of marking and record-keeping of SALW, to enhance the collective capacity of the international community to identify and trace sources and flows of SALW of concern.
- Establishing and promoting appropriate international bodies and processes to support the implementation and further development of these co-operation and prevention measures, including provisions to promote international technical co-operation.

Co-operation in tracing

There was wide support amongst participants for developing international arrangements and a binding instrument to enable timely and reliable tracing of lines of supply of SALW by relevant authorities. There was wide acknowledgement that such an instrument would usefully complement the UN Firearms Protocol, which focuses on enhancing law-enforcement efforts to combat and prevent illicit manufacturing of and trafficking in firearms which involve an organised criminal group.

The main international norm to be affirmed in this connection is that States should co-operate in tracing sources and lines of supply of SALW of concern. In order to identify diversion points or unauthorised arms transactions and flows, such tracing co-operation will have to involve the tracing of legal movements of the SALW being investigated.

There is already some bilateral co-operation amongst states in such tracing activities, and recent initiatives in this area are contributing to the development of such co-operation. A global instrument is needed to ensure effective tracing co-operation, and to clarify relevant procedures and responsibilitie. It should build-upon and re-inforce existing co-operation arrangements at various levels where possible and appropriate.

The international tracing mechanism should be designed to enable tracing sources and lines of supply of specific SALW of concern by States with a direct and legitimate concern in the matter. Amongst its uses, it should be useful for states aiming tracing sources and lines of supply of arms to criminal or rebel groups operating in their territory. It is not the intention to use the tracing mechanism to enable comprehensive monitoring of the legal sources and flows of SALW.

It is important for any future negotiations on this matter to be used to clarify the circumstances in which a State that is concerned about certain SALW has a right to expect co-operation in its efforts to trace sources and lines of supply of those weapons, and what information should be exchanged. What, for example, should be understood as constituting a 'direct and legitimate' concern in tracing certain

SALW? The question of whether other relevant authorities (such as the UN Secretary-General) may also have the right to such co-operation in certain circumstances also needs to be established.

The need for appropriate confidentiality in the treatment of information provided to assist with tracing efforts needs to be recognised, balanced against the requirements for information exchange in tracing investigations and in co-operation to prevent and combat identified diversion points or unauthorised transactions. Issues relating to procedures to ensure timely and reliable information exchange in tracing inquiries will also need to be addressed.

Marking and Record-Keeping

The need to establish agreed minimum standards on marking and record-keeping was recognised. These minimum standards could, as appropriate, build upon the standards on marking and record-keeping established for firearms in the recently-agreed UN Firearms Protocol (recognising that most SALW are covered by the definition of 'firearms' used in this Protocol).

The basic international principle to be established on marking is that each SALW should be uniquely marked at the point of manufacture in such a way as to enable individual weapons to be traced. The marking needs to contain sufficient information to allow the appropriate national investigation authorities to determine, at a minimum, the country and year of manufacture, the manufacturer and the weapons' individual serial number. The markings should also be such that the country of manufacture can easily be identified by relevant authorities in other states, and that they can conveniently be used by such authorities for record-keeping and tracing purposes.

The marking requirements should take appropriate account of criteria including cost-effectiveness, technical and economic feasibility, and reliability. In this context, there is wide understanding and access to effective techniques for marking barrelled SALW at the point of manufacture, and a number of promising technologies promising higher reliability are being developed.

It is important to recognise present realities relating to complexities and differences in capacity for marking ammunition and explosives, and also some types of types of SALW that are not covered by the definition of 'firearms' in the UN Firearms Protocol . Although it is important in the longer term to establish best practices and agreed minimum standards for marking these types of equipment, it may be more realistic to focus initially on establishing standards for marking for those types of SALW for which widely available marking techniques already exist.

There is a need to consider requirements for ensuring adequate marking of existing stocks of SALW. Many existing SALW in official stocks or civilian possession are inadequately marked. Measures need to be taken to ensure that such inadequately marked stocks of SALW are either destroyed or properly marked, particularly if they are circulation or regular deployment or vulnerable to loss or diversion. The international instrument should take account of the fact this will require states that do not presently have SALW manufacturing and marking facilities of their territory to engage in substantial marking activities. Technical co-operation and assistance will be needed to enable such marking to be carried out.

Agreed minimum standards also need to be established in relation to record-keeping. National systems for record-keeping can vary according to differing national circumstances and regulatory arrangements, provided that they national authorities ensure that the record-keeping systems in their country are adequate to enable individual SALW to be identified and traced in a timely and reliable way.

The time periods over which effective and reliable records need to be maintained need to be commensurate that the lifetimes of many SALW. Participants noted that many SALW have a lifetime of more than 50 years.

Mechanisms and Bodies to promote international co-operation and assistance in implementation and further development.

There was wide recognition that an international instrument to ensure co-operation in tracing SALW, including minimum standards for marking and record-keeping, should be associated with measures to mobilise appropriate technical and financial assistance to countries requiring such assistance for implementation. In this context, the provisions for assistance in regional agreements such as the OAS Convention could usefully be examined.

Participants noted that the greatest need might be for technical assistance, for example in establishing adequate marking facilities and systems for record-keeping and information-exchange. Much of such assistance may be arranged bilaterally, but international bodies or mechanisms could nevertheless play a valuable role

Mechanisms for co-operation and assistance in implementing an SALW tracing agreement should aim not only at enabling implementation of agreed minimum standards but also at promoting identification and use of best practices. Further consideration is needed on the best ways and means of achieving this. In this context, ways if ensuring appropriate roles and contributions of industry and civil

society should be considered, including possible technical or financial contributions from manufacturers and dealers of SALW.

The possible establishment of international technical or consultative bodies was discussed. For example, an international technical commission or technical advisory body could be established, to provide technical advice to assist with both the implementation and further development of agreed minimum standards in marking, record-keeping and tracing co-operation. Such a body could also assist in the process of mobilising appropriate technical assistance and identifying and promoting good practices. Some participants noted that questions relating to the creation of new international bodies should be approached cautiously, and existing bodies or mechanisms should be used where possible.

Participants noted that an international instrument on tracing and marking SALW would need to be able develop and adjust over time, to take account of new technical or other development and adjust to the developing needs of States Parties. The instrument should thus be drafted in such a way as to facilitate decisions by the governing body of States Parties on technical adjustments, elaboration or developments of agreed standards and procedures.

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